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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,869	03/09/2001	Gert-Jan Van Lieshout	2380-218	6745

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EXAMINER

IQBAL, KHAWAR

ART UNIT PAPER NUMBER

2686

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/801,869	VAN LIESHOUT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Khawar Iqbal	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### **Finality Withdrawn**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3,10-17,24-26,30-35,39-42 are rejected under 35 U.S.C. 102(e) as being unpatentable by Willars (6507567).
3. Regarding claim 1 Willars teaches in a radio access network (RAN) where information may be sent to a mobile radio unit using a dedicated radio channel dedicated to a mobile radio unit during communication or using a shared radio channel shared by other mobile radio units during the communication, a method comprising (figs 1-9, col. 5, lines 40-65):  
  
establishing between a first RAN node (UTRAN 24, figs.1, 2) corresponding to a controlling radio network controller (26) and a second RAN node (24) corresponding to base station (28) a first transport bearer to transport data to be transmitted on the shared radio channel (col. 8, lines 40-57, col. 2, line 54-col. 3, lines 16), and

establishing between the CRNC (26) and BS (28) a second transport bearer to transport control information originated in the CRNC relating to the first transport bearer data (col. 3, lines 25-60, col. 8, lines 40-57, col. 10, lines 10-35).

Regarding claims 15,32-35 Willars teaches in a radio communications system including a radio access network with a serving radio network controller coupled to a drift radio network controller for supporting communications with mobile radio units over a radio interface, a method comprising (figs. 1-9):

establishing a first RAN transport bearer to transport information supervised by the SRNC (serving RNC 26, see col. 4, lines 42-55, also see figs. 1 and 3, because of RNCs 26 have same functionality) for transmission over a dedicated radio channel to a mobile radio unit (col. 8, lines 40-57, col. 2, line 54-col. 3, lines 16);

establishing a second RAN transport bearer to transport information supervised by the DRNC (supporting RNC 26, see col. 4, lines 42-55) for transmission over a shared radio channel to the mobile radio unit (col. 3, lines 25-60, col. 8, lines 40-57, col. 10, lines 10-35); and

establishing a third RAN transport bearer (RAN-to-RAN) to transport DRNC-originated information (col. 4, lines 1-6, 42-55, col. 12, lines 11-37).

Regarding claim 24 Willars teaches for use in a radio access network (RAN) where information may be sent to one or more mobile radio units using a dedicated radio channel dedicated to a mobile radio unit during a communication or using a shared radio channel during the communication, a RAN node for communicating with a base station, comprising (figs 1-9, col. 5, lines 40-65):

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a controller configured to establish a first transport bearer to the base station to transport data to be transmitted on the shared radio channel (col. 8, lines 40-57, col. 2, line 54-col. 3, lines 16), and to establish a second transport bearer to the base station to transport control information originated in the RAN node (col. 3, lines 25-60, col. 8, lines 40-57, col. 10, lines 10-35).

Regarding claim 39 Willars teaches a radio access network (RAN) where information may be sent to a mobile radio unit using a shared radio channel shared by other mobile radio units during a communication with the mobile radio unit, comprising (figs 1-9, col. 5, lines 40-65):

first means for establishing between a controlling radio network controller (RNC) and a base station a first transport bearer to transport data to be transmitted on the shared radio channel (col. 8, lines 40-57, col. 2, line 54-col. 3, lines 16), and second means for establishing between the RNC and the BS a second transport bearer for transporting control information originated in CRNC relating to the first transport bearer data (col. 3, lines 25-60, col. 8, lines 40-57, col. 10, lines 10-35).

Regarding claim 2 Willars teaches the CRNC transmitting the control information over the second transport bearer to the BS (col. 8, lines 40-65).

Regarding claims 3,17,26,42 Willars teaches wherein the control information includes scheduling information (col. 10, lines 10-49).

Regarding claims 10,41 Willars teaches establishing a third transport bearer (between serving RNC and supporting RNC) to carry dedicated radio channel data and

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dedicated radio channel control information through the RAN for transmission to the mobile radio unit on the dedicated radio channel (col. 4, lines 40-55).

Regarding claim 11 Willars teaches wherein the dedicated radio channel carries the dedicated control information and the control information originated at the CRNC to the mobile radio unit (col. 9, lines 42-60).

Regarding claims 12,30 Willars teaches the SRNC providing data to be transmitted to one or more mobile radio units to the DRNC over the third transport bearer (col. 4, lines 37-56).

Regarding claims 13,14,31 Willars teaches wherein the third transport bearer is established between the SRNC and the DRNC and between the DRNC and the BS (col. 4, lines 37-56).

Regarding claims 16,25,40 Willars teaches wherein the DRNC-originated information relates to information supervised by the DRNC (col. 4, lines 1-6, 42-55, col. 12, lines 11-37).

Claims 20-23 are rejected under 35 U.S.C. 102(e) as being unpatentable by Jamal et al (6724813).

Regarding claim 20 Jamal et al teaches a computer-generated data signal embodied in an electrical signal transported on a radio access network (RAN) transport bearer established between a first RAN node corresponding to a drift radio network controller and a second RAN node corresponding to a base station, comprising (figs. 1-7):

a frame number field including a specific frame number corresponding to a frame on a radio channel (col. 6, lines 12-14), and a transport format field including information relating to a particular radio channel resource useable by a mobile radio unit to receive information directed to the mobile radio unit (col. 7, lines 20-53, col. 8, lines 9-24).

Regarding claim 21-23 Jamal et al teaches wherein the transport format field includes information that may be used to address a transport format table stored in the mobile radio unit (col. 7, lines 49-53, col. 7, line 65-col. 8, line 6).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-7,8,18,19,27,28,29,36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willars (6507567) as and further in view of Jamal et al (6724813).

Regarding claims 5,6,8,29,36 Willars dose not specifically teaches wherein the needed information includes one or more of the following: a frame identifier, a radio channel identifier, and an indication of how different radio channels are multiplexed on the identified frame. In an analogous art, Jamal et al teaches wherein the needed information includes one or more of the following: a frame identifier, a radio channel identifier, and an indication of how different radio channels are multiplexed on the

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identified frame (col. 7, lines 20-53, col. 8, lines 9-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Willars by specifically adding feature a frame identifier, and lookup table stored in the mobile radio unit in order to enhance system performance for the purpose of increasing more transport channel accuracy as taught by Jamal et al.

Regarding claims 4,7,18,19,27,28,37,38 Willars dose not specifically teaches wherein the control information indicates information needed by the mobile radio unit to decode the data transmitted over the shared radio channel. In an analogous art, Jamal et al teaches wherein the control information indicates information needed by the mobile radio unit to decode the data transmitted over the shared radio channel (col. 7, lines 35-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Willars by specifically adding the feature the control information that indicates information needed by the mobile radio unit to decode the data transmitted over the shared radio channel in order to enhance system performance of the system, for the purpose of increasing channel accuracy using established procedures as taught by Jamal et al.

### ***Response to Arguments***

Applicant's arguments filed 7-14-04 have been fully considered but they are not persuasive. Applicant's arguments filed 11-08-03 have been fully considered but they are not persuasive. The examiner has thoroughly reviewed applicant's arguments claims 1,15,20,24,32 and 39 but firmly believes the cited references to reasonable and



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properly meets the claimed 1,15,20,24,32 and 39 limitations. Applicant's primary argument was that the references do not teach a second transport bearer to transport control information originated in the CRNC relating to the first transport bearer. In regard to applicant's arguments against Willars, the examiner considers Willars to merely teach it is the task of the UTRAN 24 to map the mobile connection onto physical transport channels in a flexible, efficient, and optimal manner. Thus, each service node simply requests **one or more radio access bearers** with a mobile station where each bearer may have an associated quality of service. In mapping a radio access connection onto one or more specific radio channels, the UTRAN 24 flexibly balances and optimizes a number of parameters including quality of service, range, traffic load-capacity, and mobile station transmission power. One of two different types of radio channels may be selected by the RNC 26 to support a mobile connection: a dedicated or a common channel. The two radio channel types differ by the degree of radio resource reservation per channel. For a dedicated radio channel, resources in terms of spreading code(s) and power/interference are allocated to this particular mobile station. A common radio channel is a resource (spreading code) that is shared dynamically between multiple mobile stations. Based on the requested quality of service and the current traffic conditions, the RNC 26 may select the type of radio channel to carry the information associated with the radio access bearer service request (col. 2, line 55-col. 3, line 15). Channel conditions have changed a radio access bearer has been added to or removed from the connection the amount of packet data to be transmitted has changed significantly. For example, a connection exists between one mobile station and the

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network with **one radio access bearer established** for background packet data. The connection employs a **common channel**. If the user initiates a speech call, then an **additional radio access bearer for the speech is established. The connection then includes two or more radio access bearers** (col. 3, lines 38-60). Additionally, the examiner has given the claim language its broadest reasonable interpretation. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Anticipatory reference need not duplicate, word for word, what is in claims; anticipation can occur when claimed limitation is "inherent" or otherwise implicit in relevant reference (*Standard Havens products Incorporated v. Gencor Industries Incorporated*, 21 USPQ2d 1321).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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**or faxed to:**

**(703) 872-9314 (for Technology Center 2684 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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